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Mayor Charles Henderson called the meeting to order at 8:33 a.m.

PRESENT: Board members Warren Beville, Mayor Henderson, Kevin Hoover;
City Attorney Shawna Koons-Davis; Director of Engineering Paul
Peoni; and Deputy Clerk Kathie Fritz.

Mr. Beville moved that the minutes of April 20, 2006 be accepted as presented.
Second was by Mr. Hoover. Vote: Ayes.

Bob Lane of L.A. Development represented Harrison Crossing, Section 1A to request acceptance of sanitary sewers, acceptance of the maintenance bond, acceptance of the Owner's Certification of Completion and execution of the plat. Mr. Lane indicated that they believe they have made all the requested repairs to the sanitary sewers. The video made of the sewers that was delivered to the Sanitation Field office for some reason was not good, added Mr. Lane, and staff has made their own tape of the system but has not had a chance to review that. He asked if the Board would be amenable to allowing the Engineering Department to hold the plat until the tape is reviewed. Once that is done, they will pour the driveway and have it inspected. Mr. Peoni told the Board that this project has been going on for months and he has nothing prepared for approval, although he believes his staff has most of the paperwork. He was agreeable to a conditional approval and reminded the Board that the field condition was the main issue. Mr. Hoover moved to accept the sanitary sewers for Harrison Crossing, Section 1A, accept the maintenance bond, accept the Owner's Certificate of Completion and execute the plat, all subject to Sanitation Department's, Engineering Department's and the City Attorney's final review and approval of all documents and verification that all fees have been paid. Second by Mr. Beville. Vote: Ayes.

Concerning the Wakefield Commercial Sanitary Sewer Dedication, Kevin McGinnis came forward to ask for acceptance of sanitary sewers, acceptance of a sanitary sewer easement, acceptance of a maintenance bond, and acceptance of the Owner's Certificate of Completion. This is on Morgantown Road, just north of Smith Valley Road. There is a new animal hospital on lot 4, he noted. Mr. McGinnis was not with Wakefield in 1999 when the sewer system was put in, and told the Board he did not know why it was not dedicated to the City at that time. When the animal hospital came before the Board in 2004, only one section of the sanitary sewer system was dedicated to the City of Greenwood because the owner still wished not to have the remainder dedicated. Mr. McGinnis could only assume the owner did not have plans for Wakefield Commercial at that time and did not want to lose capacity. Since then a Gas America service station has been proposed for the south side of Smith Valley Road. The Owner's Certification of Completion probably needs to be updated. Any balance of Inspection & Testing fees will also have to be investigated. Mr. Peoni indicated that revisions are needed to the sanitary sewer as-builts as well as an updated professional seal. Mr. McGinnis confirmed that the 30' easement shown on the as-builts was done by an engineer that is no longer associated with the Wakefield Commercial Project, and the 30' easement is an unofficial document that has not been signed by the engineering company or recorded. The 1999 plat, indicated Mr. McGinnis, shows a 20' DU and SSE and the sub plat for lot 4 shows an additional 20' sanitary sewer easement. The sanitary sewer line, he added, was installed outside the designated easement. Mr. McGinnis found no record of the Board accepting the easements on the original plat recorded in 1999 although language at the bottom was to the effect "...be it resolved that the Board of Public Works and Safety in the City of Greenwood, Johnson County, Indiana, that the dedication of the sanitary sewer easements shown on this plat are hereby approved and accepted this 7th day of January, 1999..." Mr. Peoni

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described this plat as what he believes is the overall plat for Wakefield Commercial Subdivision. On January 10, 2002 it was realized the earlier statement was on the plat, but the Board did not see this plat and Board signatures were not obtained. Mr. Peoni continued on, saying that a Certificate of Correction was done by Schneider Engineering that references the original plat and adds a covenant concerning sump pumps, also mentioning that the Board did not have a chance to sign the plat. A substitute certificate of correction document was recorded, he clarified, so that made the easements on the original plat valid. Mr. Peoni then noted that apparently there is a sub-plat for Wakefield that he believes the Board did not have the opportunity to review or sign once again, as with the original Wakefield plat. He is concerned about the easement on the sub-plat for lot 4. Mr. McGinnis recounted appearing before the Board in 2004 concerning accepting a portion of the sanitary sewer shown in yellow on his handout. At a later date another 20' easement appears on the plot plan that Paul Maurer's firm used for lot 4. He told Mr. Peoni that the off-site easement in orange will be recorded. Mylar as-builts are needed, and revisions to them. Mr. Peoni would like the issue of the additional 20' sanitary sewer easement resolved. Mr. McGinnis had the secondary plat for lot 4 that has been recorded and shows the two easements; Mr. Peoni had not seen this. There was more discussion on the resolution of the additional 20' easement. Sanitation Superintendent Keith Meier confirmed that 40' of easement is adequate. Mr. Beville moved to continue the matter until June 8th. Second by Mr. Hoover. Vote: Ayes. Schneider Engineering will have to prepare a Certificate of Correction.

The Aldi Warehouse Expansion requested acceptance of the Inspection & Testing agreements and acceptance of the performance guarantees. Mr. Peoni indicated that Aldi had just received the approved amounts for the guarantees and have not had time to submit the guarantees. The Inspection & Testing agreements are in order. Mr. Hoover moved to:

- 1) Accept performance bond #104666883 from Travelers Casualty & Surety Company of America in the amount of \$324,876 for the installation of the dirtwork and storm sewers at the Aldi Warehouse Expansion Site.
- 2) Accept performance bond #104666884 from Travelers Casualty & Surety Company of America in the amount of \$63,005 for the installation of the erosion control at the Aldi Warehouse Expansion Site.
- 3) Accept performance bond #104666885 from Travelers Casualty & Surety Company of America in the amount of \$27,718 for the installation of the street improvements in the public right-of-way at the Aldi Warehouse Expansion Site.
- 4) Accept performance bond #104666886 from Travelers Casualty & Surety Company of America in the amount of \$32,604 for the installation of the sidewalks along Stop 18 Road in front of the warehouse and office site and also for the installation of the sidewalks around the existing retail store site at the northeast corner of Stop 18 Road and U.S. 31 per the Plan Commission conditions.
- 5) Accept performance bond #104666887 from Travelers Casualty & Surety Company of America in the amount of \$1,758 for the installation of the erosion control around the future 400' of sidewalk that is to be installed along Stop 18 Road between the warehouse/office site and the existing retail store per the Plan Commission conditions.

- 6) Accept performance bond #104666888 from Travelers Casualty & Surety Company of America in the amount of \$6,974 for the installation of the future 400' of sidewalk that is to be installed along Stop 18 Road between the warehouse/office site and the existing retail store per the Plan Commission conditions.
- 7) Accept the Inspection & Testing Agreement for all improvements except sanitary sewer and ratify acceptance of the 50% upfront fee.
- 8) Accept the Inspection & Testing Agreement for the sanitary sewer and ratify the acceptance of the 50% upfront fee, all contingent upon:
 - a. Receipt and then review and approval of the performance guarantees by both the Engineering and Law departments.

Second by Mr. Beville. Vote: Ayes.

Ken Zumstein of J. Greg Allen & Associates represented Brighton Subdivision to discuss a Sewer Availability Fee Credit Agreement for the off-site sanitary sewer. Section 1 of Brighton Subdivision is ready to be developed. Mr. Zumstein pointed out the location on a rendering and also described the proposal. Keith Meier mentioned that part of the routing for this Brighton off-site would go through the area designated for the Honey Creek Regional Lift Station and Cobblestone Lift Station Project and that the City is working with the developers to donate easements for that routing – probably a 20" force main. This layout for the Brighton off-site sanitary sewer complies with our Master Plan. Mr. Hoover moved to direct staff to prepare a Sewer Availability Fee Credit Agreement as proposed. Second was by Mr. Beville. Vote: Ayes.

Representing James Delp, owner at 770 N. Peterman Road, Mr. Zumstein requested a Single-Parcel Sewer Service Agreement. Mr. Meier had no objection. Mr. Hoover moved to direct staff to prepare a Single-Parcel Sewer Service Agreement for 770 N. Peterman Road and authorize the Mayor to sign. Second by Mr. Beville. Vote: Ayes.

Mr. Zumstein, for Greenbrooke Parke, Block "A", Lot #1, Commercial Site, asked for acceptance of performance bonds and acceptance of the Inspection & Testing Agreement. The performance bonds are for the correct amount and improvement and have been approved for form by the City Attorney. The Inspection & Testing Agreement is in order. Mr. Beville moved to:

- 1) Accept performance bond #5019998 from Bond Safeguard Insurance Company in the amount of \$9,581 for the installation of the erosion control at Greenbrooke Park, Block "A", Lot #1, Commercial Site.
- 2) Accept performance bond #5019996 from Bond Safeguard Insurance Company in the amount of \$120,170 for the installation of the dirtwork and storm sewers at Greenbrooke Park, Block "A", Lot #1, Commercial Site.
- 3) Accept the Inspection & Testing Agreement for all improvements except sanitary sewer and ratify the acceptance of the 50% upfront fee.

Second by Mr. Hoover. Vote: Ayes.

For Greenbrooke Parke, Block "A", Lot #1 – Infrastructure, Mr. Zumstein asked for acceptance of performance bonds and execution of the plat. The performance bonds are for the correct amount and improvement and the City Attorney has approved the bond form. Mr. Hoover moved to:

- 1) Accept performance bond #5019997 from Bond Safeguard Insurance Company in the amount of \$450,683 for the installation of the dirtwork and storm sewers at Greenbrooke Parke, Block "A", Lot #1, Infrastructure.

- 2) Accept performance bond #5019999 from Bond Safeguard Insurance Company in the amount of \$13,818 for the installation of the sidewalks at Greenbrooke Parke, Block "A", Lot #1, Infrastructure.
- 3) Accept performance bond #5020000 from Bond Safeguard Insurance Company in the amount of \$1,285 for the installation of the survey monuments and street signs at Greenbrooke Parke, Block "A", Lot #1, Infrastructure.
- 4) Accept performance bond #5020001 from Bond Safeguard Insurance Company in the amount of \$97,570 for the installation of the street improvements at Greenbrooke Park, Block "A", Lot #1, Infrastructure.
- 5) Execute the final plat, all based upon:
 - a. Review and approval of the final plat by the Engineering and Planning departments.

Second by Mr. Beville. Vote: Ayes.

Jim Rinehart of Stoeppelwerth & Associates represented Briarstone, Section One to ask for acceptance of a performance bond for erosion control, acceptance of off-site plat over easements and acceptance of Inspection & Testing Agreements. The performance bond is in order for form and amount. The legals and exhibits for the five (5) off-site easements are correct; however the City Attorney has not had a chance to review and prepare the body of the documents due to late receipt of the information. Mr. Hoover then moved to:

- 1) Accept performance bond #5021675 from Bond Safeguard Insurance Company in the amount of \$36,426 for the installation of the erosion control at Briarstone Subdivision, Section One.
- 2) Accept the Inspection & Testing Agreement for all improvements except sanitary sewer and ratify the acceptance of the 50% upfront fee for Briarstone, Section One.
- 3) Accept the Inspection & Testing Agreement for the sanitary sewers and ratify the acceptance of the 50% upfront fee for Briarstone, Section One.
- 4) Accept and execute two (2) off-site plat over drainage easements from Heritage Brookhaven Development, LLC for Briarstone, Section One.
- 5) Accept and execute two (2) off-site plat over sanitary sewer easements from Heritage Brookhaven Development, LLC for Briarstone, Section One.
- 6) Accept and execute an offsite sanitary sewer easement from Rickey R. Whitaker and Tonya Whitaker for Briarstone, Section One, all contingent upon:
 - a. Preparation of the easement documents and execution by the appropriate parties, authorizing the Mayor to sign.

Second by Mr. Beville. Vote: Ayes.

Mayor Henderson reported that the nuisance complaint at 410 N. Meridian Street has been abated.

From the audience, Donna Smithers of Northpointe Surveying told the Board that she has a client who has filed a primary plat application (Carroll Subdivision). Her client wants to donate a portion of his land to the Parks Department so that he can get sanitary sewer service to his property. Mr. Peoni understood that there has been discussion among the Parks Department, Sanitation Department and the developer about donating land to the Parks; the developer does need sanitary sewer service for three lots. There is a sanitary sewer to the east, on Park property, he added. Ms. Smithers told the Board her client, Mr. Carroll, would run a force main to his property line, and she would prepare any easements needed. Her client owns lots 1, 2 and 3; lot 3 has an existing structure. The City Attorney told the Board that she understood that Mr. Carroll would pay to run a sewer line from the parcel that needs to be served through

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our park land to the sanitary connection point. Therefore, he would need an easement across our park ground and perhaps swap the sewer easement he needs for the park land he wants to donate. Ms. Koons-Davis noted that this is a different scenario than what was just explained, which is that they are expecting the sanitation utility to run the line over to the property boundary. Director of Operations Norm Gabehart told the Board that there are other issues as well and suggested that he and the Park Board work with the owner. Sanitation Superintendent Keith Meier said there is a man hole on the south side of the ditch which then crosses the creek. Ms. Smithers told the Board that she understands if this cannot be done but she came before the Board for guidance. It was the consensus of the Board that Mr. Gabehart and the Park Board work with the owner to find a solution.

On her Status of Tasks Ms. Koons-Davis first discussed the amendment to the Plan Document and Summary Plan Prescription for the City of Greenwood Employee Benefit Plan. The Pharmacy Prescription Benefits document was to provide that where a generic drug is not available, the co-payment for the brand name drug shall be the same as that of a generic drug had it been available. This language was erroneously omitted, and there is an employee immediately affected by its omission. Mr. Beville moved to approve the Amendment to the Plan Document and Summary Plan Description for the City of Greenwood Employee Benefit Plan, Pharmacy Prescription Benefits, as prepared by the City Attorney and to authorize the Mayor to sign the Amendment on the Board's behalf. Second by Mr. Hoover. Vote: Ayes.

On his Status of Tasks, Mr. Peoni indicated that the Engineering Department, the Law Department, and the Director of Operations have been looking into the current Inspection & Testing fees, as they feel they may be outdated. Mr. Peoni asked for approval to study the situation and possibly update those fees. Mr. Beville moved to allow staff to proceed as described. Second by Mr. Hoover. Vote: Ayes.

Grade certifications for new homes have also been a matter of discussion among the Law and Engineering departments and the Director of Operations. Currently there is an internal process where we will shoot the grades to make sure they are in reasonable compliance with the initial design. Staff is asking to look into having that process done by outside consulting firms to free up staff, and to assign a fee for the grade certification that the homebuilder would pay. The Mayor commented that this has been discussed over the past couple of years and many communities have adopted this process. Mr. Hoover moved to direct staff to look into preparation of appropriate documentation to address the grading inspection matter. Second by Mr. Beville. Vote: Ayes.

Mr. Beville moved that the claims be approved as presented through May 4th. Second was by Mr. Hoover. Vote: Ayes.

Mayor Henderson indicated that at the last Council meeting an ordinance was introduced to fund \$1.2 million for street repairs. He mentioned that our LRS and MVH funds were down to about \$240,000. A list of streets involved will be presented to the Council before the first reading.

With no further business, the meeting adjourned at 9:20 a.m.

Charles E. Henderson, Mayor

Kathie Fritz, Deputy Clerk